

REMARKS

Applicant respectfully requests entry and consideration of the above amendments even though presented after a final rejection. Applicant submits that the amendments do not raise new issues or require a new search. Further, Applicant respectfully submits that entry and consideration of the above amendments places the case in condition for allowance. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Summary

Claims 1-17 and 22-23 stand in this application. Claims 7 and 17 have been previously withdrawn. Claims 4, 14 and 18-21 have been canceled without prejudice. Claims 1, 8 and 10 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 8 and 10 in order to facilitate prosecution on the merits and place the case in condition for allowance.

Allowable Claims

We would like to thank the Examiner for indicating the allowability of claims 4 and 14 if amended to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits that claims 4 and 14 have been canceled and their subject matter has been incorporated into independent claims 1, 8 and 10 respectively. Therefore, Applicant respectfully submits that independent claims 1, 8 and 10 and all claims directly or indirectly depending therefrom are in condition for allowance and a timely notice of allowance to that effect is respectfully requested.

Allowed Claims

We would like to thank the Examiner for indicating the allowability of claims 22 and 23.

35 U.S.C. § 102

At page 2, paragraph 3 of the Office Action claims 18-19 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Publication Number 2003/0001668 to Mruz ("Mruz"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant has cancelled claims 4 and 14 and has incorporated their subject matter into amended independent claims 1, 8 and 10. As recited in the Office Action on page 6, claims 4 and 14 recite features not disclosed by the cited references. In particular, the Office Action states "the prior art of record fail to disclose or render obvious that the input signal is a carrier wave modulated by the phase portion of an information signal,

and said control signal is comprised from the magnitude portion of said input signal, as specified in the claims.” Consequently, Applicant respectfully submits that claims 1 and 10 are in condition for allowance based on the above amendments.

Furthermore, Applicant respectfully submits that claim 8 recites features similar to those recited in claim 1. Moreover, the limitations previously recited in dependent claim 4 have also been incorporated into amended independent claim 8. Therefore, Applicant respectfully submits that claim 8 and all claims directly or indirectly dependent therefrom are in condition for allowance for reasons analogous to those presented above with respect to claim 1.

35 U.S.C. § 103

At page 3, paragraph 6 of the Office Action claims 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mruz. At page 4, paragraph 7 of the Office Action claims 1-3, 5-6, 8-13 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mruz in view of United States Patent Number (USPN) 6,349,216 to Alberth (“Alberth”). Applicant respectfully traverses the rejections, and requests reconsideration and withdrawal of the obviousness rejections.

Applicant respectfully submits that claims 20-21 have been canceled without prejudice. With respect to claims 1-3, 5-6, 8-13 and 15-16, Applicant respectfully submits that these claims are in condition for allowance for reasons analogous to those presented above with respect to the § 102 rejection. Therefore, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejections at least on the basis on the above amendments and remarks.

It is believed that claims 1-17 and 22-23 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC



John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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